

2003 06/11 WED 08:10 FAX --- MERCHANT

00017004

Attorney Docket No. 11779-01000

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

I, the undersigned, hereby declare that my residence, post office address and citizenship are as stated below next to my name; that

I verify that I am the original, first and sole inventor (if only one name is listed below) and/or inventor (if plural inventors are named below) of the invention which is claimed and for which a patent is sought on the heretofore entitled: Method And Device For Feeding Compounds To A Patient Into A Mixing Vessel For Tissue

The specification of which

☐ is attached hereto;
☒ was filed on November 12, 1997 as application serial no. 08/968,034 and was amended on December 12, 1997; November 23, 1998; June 20, 1999; September 2, 2001 (and June 3, 2002 (if applicable)) (in the case of a PCT-filed application described and claimed in international no. 97/01000) amended on (if any), which I have reviewed and for which I claim United States patent.

I hereby state that I have read and understand the contents of the above identified specification including the claims, as amended by any amendments received hereto.

I hereby declare that I am the inventor under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate that have been previously identified below my foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed:

- a. ☐ no such application has been filed.
 b. ☒ such application(s) have been filed as follows:

COUNTRY	APPLICATION NUMBER	DATE OF FILING (Month, Year)	DATE OF ISSUE (Month, Year)
Sweden	930169-6	10 May 1977	
PCT	PCT/SE84/00413	6 May 1984	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (Month, Year)	DATE OF ISSUE (Month, Year)

I hereby claim that under Title 35, United States Code, § 120/365 of any United States and/or PCT international application(s) listed below and, except as may be stated to the contrary, each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 35, United States Code, § 1.10(c) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. AND/OR FOREIGN PATENT	DATE OF FILING (Month, Year)	STATUS (Patented, Pending, Abandoned)
08/734,317	22 October 1994	Patented
08/545,317	13 November 1994	Patented

I hereby declare that I am the inventor under Title 35, United States Code, § 119(b) of any United States prior art application(s) listed below:

U.S. PATENT APPLICATION NUMBER	DATE OF FILING (Month, Year)

BEST AVAILABLE COPY

2003 06/11 WED 09:10 FAX *** MERCHANT

002/004

information necessary to determine information that is material to the patentability of this application (hereinafter with Title 37, Code of Federal Regulations, 1.101 (hereinafter below):

1.55 Duty to disclose information material to patentability.

(a) A person who is involved in the preparation, filing, or prosecution of a patent application is aware of the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith to the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability, as defined in this section. The duty to disclose information arises with respect to each pending claim until the claim is rejected, withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is rejected, withdrawn from consideration, or abandoned is not material to the patentability of any claim in the application. There is no duty to submit information which is material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is defined as the belief of all information known to be material to the patentability of any claim issued in a patent, was used by the Office or an applicant in the manner prescribed by 37 CFR 1.101. However, no patent will be granted on an application in compliance with which fraud on the Office has been practiced or the duty of disclosure was violated through bad faith or intentional misstatement. The Office encourages applicants to submit information.

- (1) Information contained in search reports of a foreign patent office in a counterpart application; and
- (2) Information over which individuals associated with the filing, prosecution, or amendment of a patent application believe the patentability of the claim is in jeopardy, to make sure that any material information is disclosed to the Office.
- (b) Information is material to patentability when it is not cumulative information already of record or being made of record by the applicant, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office; or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that the claim is unpatentable under the preponderance of evidence standard of proof, giving each term in the claim its broadest reasonable construction consistent with the specification, and no substantial question is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application with the filing of this section are:
 - (1) The inventor named in the application;
 - (2) The attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, the assignee or with anyone to whom there is an obligation to disclose information.
- (d) Individuals named in the attorney, agent, or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In a non-provisional or in-part application, the duty under this section includes the duty to disclose to the Office all information known to be material to patentability as defined in paragraph (b) of this section which becomes available between the filing date of the non-provisional and the national or PCT international filing date of the corresponding in-part application.

BEST AVAILABLE COPY

2003 06/11 WED 09:11 FAX *** MERCHANT

0003/004

I hereby appoint the following agent(s) and/or patent agent(s) to prosecute this application and to conduct all business in the Patent and Trademark Office on my behalf.

All, M. Jaffer Reg. No. 46,359
 Allera, Allen G. Reg. No. 40,274
 Anderson, George Reg. No. 28,828
 Bachel, Roger H. Reg. No. 32,060
 Beard, John L. Reg. No. 27,612
 Berra, John M. Reg. No. 49,496
 Blackburn, Robert W. Reg. No. 50,581
 Blackford, Robert Reg. No. 51,488
 Brown, John W. Reg. No. 41,033
 Brown, Jeffrey C. Reg. No. 41,643
 Brown, Steven C. Reg. No. 34,130
 Byrns, Linda M. Reg. No. 32,404
 Campbell, Keith Reg. No. 44,397
 Clifford, John M. Reg. No. 30,247
 Cook, Jeffrey Reg. No. 43,649
 Dagnall, Kenneth A. Reg. No. 35,988
 Daley, Dennis R. Reg. No. 34,994
 Daley, William V. Reg. No. 52,471
 Daulton, Dale R. Reg. No. 36,414
 DeVries, David Reg. No. 42,137
 DiPietro, Mark Reg. No. 28,707
 Doseck, Michael J. Reg. No. 48,957
 Edell, Robert T. Reg. No. 20,187
 Epp Ryan, James Reg. No. 39,667
 Fitzhugh, Robert A. Reg. No. 50,470
 Geddins, Christopher M. Reg. No. 37,628
 Gaffney, Matthew Reg. No. 46,717
 Gagnier, Michael J. Reg. No. 44,123
 Galla, Charles B. Reg. No. 26,886
 Gannon, Allen G. Reg. No. 38,672
 Gendron, George Reg. No. 44,722
 Gould, John B. Reg. No. 18,123
 Gregson, Richard Reg. No. 41,804
 Gressens, John L. Reg. No. 33,712
 Hack, John L. Reg. No. 26,154
 Harris, Curtis E. Reg. No. 29,103
 Henshaw, John Reg. No. 48,882
 Hertzberg, David A. Reg. No. 42,060
 Hilson, Russell A. Reg. No. 31,838
 Hope, Leonard J. Reg. No. 44,774
 Hornsby, III, Allen Reg. No. 47,289
 Jacobson, Charles A. Reg. No. 53,961
 Johns, Nicholas J. Reg. No. 48,995
 Johnston, Scott W. Reg. No. 39,721
 Kainaky, Robert A. Reg. No. 50,471
 Kelly, Zachary T. Reg. No. 35,108
 Kothelberg, David Reg. No. 33,924
 Kaya, Joseph I. Reg. No. 42,724
 Kneal, Hanna J. Reg. No. 21,197
 Korver, Joshua W. Reg. No. 51,894
 Kowalski, Allen W. Reg. No. 31,535
 Kowalski, Robert W. Reg. No. 36,848
 Lamberty, Michael Reg. No. 50,700
 Larson, James A. Reg. No. 40,447

Lantz, Donkin T. Reg. No. 47,892
 Leach III, Thomas J. Reg. No. 41,188
 Leonard, Christopher J. Reg. No. 41,340
 Lewis, George C. Reg. No. 53,214
 Lipsa, Mark B. Reg. No. 40,866
 McDonald, Daniel W. Reg. No. 52,044
 McIlroy, Jr., William H. Reg. No. 44,921
 Mueller, Douglas P. Reg. No. 30,300
 Nelson, Anna M. Reg. No. 46,835
 Parsons, Nancy J. Reg. No. 40,364
 Paddy, Daniel M. Reg. No. 40,123
 Peterson, Kris T. Reg. No. 46,889
 Phillips, John B. Reg. No. 37,306
 Price, Mark J. Reg. No. 48,858
 Qualey, Terry Reg. No. 25,148
 Randall, Joshua N. Reg. No. 40,719
 Reich, John G. Reg. No. 37,703
 Reiland, Earl D. Reg. No. 35,767
 Roth, Paul D. Reg. No. 45,043
 Schuster, David G. Reg. No. 39,828
 Schuman, Mark D. Reg. No. 31,197
 Schumann, Michael D. Reg. No. 30,422
 Saul, Timothy B. Reg. No. 42,137
 Sebold, Gregory A. Reg. No. 33,280
 Shoop, Mark T. Reg. No. 40,178
 Soren, Keith M. Reg. No. 50,865
 Stewart, Alan R. Reg. No. 47,974
 Small-DeBell, Kirsten C. Reg. No. 49,164
 Sullivan, Timothy Reg. No. 47,981
 Swenson, Erik O. Reg. No. 45,147
 Tallema, David K. Reg. No. 32,574
 Trempalla, Jon R. Reg. No. 54,344
 Tushnet, Monica A. Reg. No. 42,189
 Uppendell, Albert L. Reg. No. 27,409
 Vidovich, Kristin K. Reg. No. 41,448
 Wall, John R. Reg. No. 38,644
 Weiss, Paul A. Reg. No. 20,590
 Whitaker, John B. Reg. No. 48,222
 Wiigand, Jamie Reg. No. 51,361
 Wier, David D. Reg. No. 48,229
 Williams, Douglas J. Reg. No. 27,054
 Withers, James D. Reg. No. 40,376
 Wong, Bryan A. Reg. No. 50,836
 Wong, Thomas B. Reg. No. 48,577
 Xia, Tim Tingkang Reg. No. 45,242
 Zgall, Anthony R. Reg. No. 45,255

I hereby certify that I have read the instructions from the Patent and Trademark Office and that I have read the full disclosure to be represented and signed by the Merchant & Gould P.C. to the contrary.

BEST AVAILABLE COPY

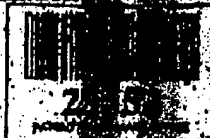
2003 06/11 WED 08:11 FAX ---+ MERCHANT

0004/004

Understand that the above is the substance of the assignment, and the grant of a power of attorney, does not in itself constitute an attorney-client relationship between the assignor and the law firm Merchant & Gould P.C. or any of its attorneys.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



I hereby declare that the above statements herein of my own knowledge are true and that all statements herein of information and belief are believed to be true and that these statements were made with the knowledge that willful falsification and for file as made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may constitute a crime under the laws of the United States or any state or foreign country.

1	Full Name Officer	First Given Name STOLEN	Married Given Name
2	Rank A	State or Foreign Country STOLEN	Number of Citizenship STOLEN
3	Address Address	City STOLEN	State & Zip Code/Country STOLEN
Signature of Assignor		Date 2003-JUNE 10	

BEST AVAILABLE

Merchant & Gould

An Intellectual Property Law Firm

3200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota
55402-2215 USA
TEL 612.332.5300
FAX 612.332.9081
www.merchant-gould.com

Fax Transmission | June 12, 2003

To:	Examiner Soohoo	From:	James A. Larson
Company:	USPTO	Our Ref.:	11709.45US21
Your Ref.:	08/968034	Fax No.:	612.332.9081
Fax No.:	203.872.9750	Phone No.:	612.336.4700
Phone No.:		Total Pages:	5
State/Country:	US	E-Mail:	jl Larson@merchant-gould.com
Confirmation Via Mail:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Return Fax To:	Terry P...

Document Transmitted: Declaration**Message:**

This transmission contains information that is confidential and/or legally privileged. It is intended for use only by the person to whom it is directed. If you have received this copy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us.

If you did NOT receive all of the pages, please call us in the U.S.A. at 612.336.4664 or fax us at 612.332.9081.

BEST AVAILABLE